

Quarterly Report
OF THE
ATTORNEY GENERAL
OF
ALABAMA



FOR THE PERIOD
FROM JANUARY 1, 1975
THROUGH MARCH 31, 1975

WILLIAM J. BAXLEY, Attorney General

VOLUME 158

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of the

ATTORNEY GENERAL

of

A L A B A M A

For the Period

From January 1, 1975

Through March 31, 1975

**TO THE STATE, COUNTY, AND MUNICIPAL OFFICERS
OF ALABAMA:**

This Quarterly Report of the Attorney General of Alabama, which includes all official opinions rendered by the Attorney General from January 1, 1975, through March 31, 1975, is published in compliance with the provisions of Title 55, Section 228 Code of Alabama, 1940.

Under this section of the Code, I am required to send seven copies of this Quarterly Report to each judge of probate in the State, and the judge of probate, in turn, is required to deliver one copy each to the clerk of the circuit court, the sheriff, the tax collector, the tax assessor, the county superintendent of education, and the deputy district attorney of his county. The section also requires that I send a copy of this report to each district attorney and the chief executive officer of each incorporated municipality in the State.

The office of the Attorney General is anxious to render prompt and efficient service to the State, County, and municipal officials. If you have any suggestions to make regarding the improvement of the service, I shall be glad to hear from you.

Sincerely,

WILLIAM J. BAXLEY

Attorney General

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January 17, 1975

Hon. Fred B. Simpson
District Attorney
Madison County
Madison County Courthouse
Huntsville, Alabama 35801

Traffic -- Motor Vehicles

Title 36, Section 128, Code of Alabama, 1940 (recomp. 1958) did not repeal Title 36, Section 119, Code of Alabama, 1940 (recomp. 1958)

Opinion by Assistant Attorney General Marston

Dear Mr. Simpson:

Your request for an opinion of this Office reads as follows:

"Title 36, Section 128, Code of Alabama, 1940 Recompiled 1958, provides for 'duties of drivers of vehicles involved in an accident resulting in personal injury or death or damage to vehicle.' Section 4 of that act says, 'all laws and parts of laws in conflict herewith are expressly repealed, including Sections 116 through 127 of this title, insofar as said sections are in conflict herewith.' Title 36, Section 119, Code of Alabama, 1940, Recompiled 1958, provides for 'duty upon striking unattended vehicles' and goes on to list a different type of duty that a driver has when he hits an unattended or unoccupied vehicle. "I hereby request an Attorney General's Opinion as to whether or not Section 119 of Title 36 was repealed by Section 128 of Title 36."

We answer your question in the negative.

A brief recitation of the history of these provisions would no doubt prove helpful.

The official, 1940, Code of Alabama contained a Section 31 to Title 36. This Section 31 was nearly identical to the provisions now codified as Title 36, Section 128, of the recompiled code. In 1943 the Legislature passed what is now codified as Title 36, Sections 116-127, Code of Alabama, 1940 (recomp. 1958). Act. No. 558, Acts of Alabama 1943, pages 548-551. On May 4, 1944, this office, in response to an inquiry from the Clerk of the Circuit Court of Morgan County, held that the 1943 Act repealed the old Section 31. Quarterly Reports of the Attorney General, April - June, 1944, Vol. 35, page 37. Then, in 1945 the Legislature passed the Act now codified as Title 36, Section 128, Code of Alabama, 1940 (recomp. 1958). Act No. 427, Acts of Alabama, 1945, pages 670-671.

The question then is whether or not the 1945 Act repealed the 1943 Act. The 1945 Act contains a repealer which reads as follows:

"Section 4. That all laws and parts of laws in conflict herewith are hereby expressly repealed, including an Act of the Legislature approved on July 9, 1943, (Acts Regular Session 1943 and Special Session 1942, page 548) insofar as said Act is in conflict herewith."

Acts of Alabama, 1945, p. 671.

This provision is unofficially codified as follows:

"4. Repeal of Laws.—All laws and parts of laws in conflict herewith are hereby expressly repealed, including sections 116 through 127 of this title, insofar as said sections are in conflict herewith."

Title 36, Section 128, Code of Alabama, 1940 (recomp. 1958)

By its very terms the 1945 Act repealed the 1943 Act only to the extent that the Acts conflict. As noted above, the 1945 Act (Title 36, Section 128) is nearly identical to the old Section 31 of Title, 36 of the 1940 Code. This Office held that the 1943 Act repealed Section 31 because it covered everything covered by that Section and it does. However, the 1943 Act covers many matters not referred to by Section 31 or the 1945 Act, and where there is no conflict there is no repeal. Our Appellate Courts have recognized this, and on at least two occasions since 1945 have cited various codified provisions of the 1943 Act. See **Pike Taxi Co. v. Patterson**, 258 Ala. 508, 63 So. 2d 599 (1953), which cited Title 36, Section 123, and **Haywood v. State**, 43 Ala. App. 358, 190 So. 2d 725 (1966), which cited Title 36, Section 118.

Therefore, we conclude that the 1945 Act, codified as Title 36, Section 128, of the Code of Alabama, 1940 (recomp. 1958), repealed the Act, codified as Sections 116-127 of the same Title, only to the extent that the former conflicts with the latter.

Turning to the particular question you present we observe that Section 119 and 128 of the recompiled code are similar but by no means identical. Section 119 imposes certain duties on the driver of a vehicle which collides with an unattended motor vehicle. These duties are either finding the driver or owner of the struck vehicle and giving him the offending driver's name and address or leaving this information and an explanation in or on the struck automobile. Section 128 concerns a driver's being involved in an accident which results in injury or death or damage to vehicle. It requires the driver to give his name, address and vehicle registration license number in addition to rendering aid to the injured. Section 119 comes into play whenever a driver strikes an unattended automobile; Section 128 has no application to such a collision unless it results in death, injury or actual damage to a vehicle. Section 119 requires the giving of the driver's name and address; Section 128 requires the giving of the same information plus the registration license number. Section 119 allows a driver who strikes an unattended motor to leave the required information in or on the struck vehicle; Section 128 does not specify how the information is to be given, therefore it appears acceptable under this section for

the driver to leave it with the vehicle. We conclude that Section 119 does not conflict with Section 128, although they run parallel on certain points and each covers situations not covered by the other. We therefore, further conclude that Section 128 did not repeal section 119.

The only possible conflict results from the divergent punishments levied by the two statutes. Violations of Section 119 are punishable by a fine of not more than \$500.00 to which may be added imprisonment for not more than thirty (30) days. Title 36, Sections 117 and 119, Code of Alabama, 1940 (recomp. 1958). Violations of Section 128 are punishable by a fine of not less than \$100.00 nor more than \$5,000.00, or by imprisonment in the municipal or county jail or hard labor for not less than thirty (30) days nor more than one (1) year or by imprisonment in the penitentiary for not less than one (1) nor more than five (5) years. If there develops a conflict between the two statutes, Section 128 prevails. Offenses punishable under the language of both statutes are to be punished under Section 128. However, those situations covered by Section 119 that are not covered by Section 128 are punishable under Section 119.

Therefore, when a driver of an automobile strikes an unattended motor vehicle he must find the driver or owner of the struck vehicle and give the driver or owner his name, address and vehicle license registration number. Or, he must place this information in or on the truck while together with an explanation. If the collision resulted in injury to any person, the driver must render aid. If the driver merely collides with the unattended vehicle causing no death, injury, nor damage to any vehicle, a failure to stop and give the required information is punishable by a fine of not more than \$500.00 and imprisonment for not more than thirty (30) days. Title 36, Sections 117 and 119, Code of Alabama, 1940 (recomp. 1958). If, however, the collision causes death or injury or damages any vehicle in any way, the failure to give the information and assistance is punishable by a fine of not less than \$100.00 nor more than \$5,000.00 and/or by imprisonment in the municipal or county jail or hard labor for not less than thirty (30) days nor more than one (1) year or by imprisonment in the penitentiary for not less than one (1) nor more than five (5) years. Title 36, Section 128, Code of Alabama 1940 (recomp. 1958).

We hope what has been written proves helpful.

Yours very truly,

WILLIAM J. BAXLEY
Attorney General

January 31, 1975

Honorable C. W. Blackwell, Jr.
Attorney

Dallas County Commission
Selma, Alabama 36701

Judicial Officers — Salaries — Judicial Article

1. Under the provisions of the Judicial Article, Judicial Officers' salary may be increased during term of office.
2. The Judicial Compensation Commission established by the Judicial Article has no authority to regulate supplement paid by county to Judicial Officers.

Opinion by Assistant Attorney General McQueen

Dear Sir:

I have your letter of recent date, which reads as follows:

"As Attorney for and legal Advisor to the Dallas County Commission, I write to request your formal opinion giving me answers to the following questions in view of the following facts:

"FACTS

"The Associate Judge of the 4th Judicial Circuit (Circuit Court of Dallas County, Alabama) resides in Dallas County, Alabama, Act No. 969, Regular Session 1973, permits the Dallas County Commission to supplement the salary of said Judge up to, but not exceeding \$6,000.00 per annum.

"Under the newly enacted Judicial Article (Amendment No. — to the Constitution of 1901 of the State of Alabama, the salary of Circuit Judge will be set by the legislature, unless the legislature fails to act on a report of the Judicial Compensation Commission, in which case the recommendations of the Commission as contained in the report shall become law.

"Amendment XC11 (the Boutwell Amendment) to the Alabama Constitution of 1901 prohibits 'the legislature, nor any county,' from increasing the salary of any officer of the state or county who is elected or appointed to a fixed term during the term to which he is elected or appointed. "The new Judicial Article (see Sec. 148 (d) provides, inter alia, "The compensation of a judge shall not be diminished during his official term."

"QUESTION

"Does the passage of the new Judicial Article (Section 139 et seq; reference Act No. 1051, Regular Session, 1973) repeal the Boutwell Amendment (Amendment XC11) references to Alabama Constitution of 1901, as amended) insofar as said amendment applies to increase in the salary of Circuit Judges? "Does the Dallas County Commission of Dallas County, Alabama, have the authority to raise or supplement the salary of an Associate Judge of the 4th Judicial Circuit (Circuit Court of Dallas County, Alabama) under the authority of Act No. 969, Regular Session 1973, during the term for which he has been elected and is presently serving?"

My answer to your first question is in the affirmative.

In an opinion of this office addressed to Honorable David B. Carnes, County Attorney for Etowah County, under date of December 30, 1974, it was observed:

"Prior to the enactment of the Judicial Article the salary of a judge could not be increased during his term of office. However, Section 148 (d), Constitution of Alabama 1901 states: . . . The compensation of a judge shall not be diminished during his official term.' This is a departure from Amendment 92 of the Constitution which is commonly referred to as the Boutwell Amendment and that Amendment no longer relates to judicial officers in the State."

It can be seen from the above holding that at the present time a judicial officer's salary may be increased during his term of office, Amendment 92 of the Constitution of 1901 to the contrary notwithstanding.

My answer to your second question is in the affirmative.

The supplement to the salary of the Judges of the Fourth Judicial Circuit is paid out of county funds. The Judicial Compensation Commission created by the Judicial Article only authorizes the Commission to recommend salaries to be paid to Judicial Officers, which are payable from the State Treasury. The supplement here considered is, of course, paid out of the general fund of Dallas County and the Judicial Article would have no effect on that supplement.

If this office can be of further service to you, please do not hesitate to call upon us.

Yours very truly,

WILLIAM J. BAXLEY
Attorney General

February 4, 1975

Senator Pat Vacca
30 Frank Nelson Building
Birmingham, Alabama 35203

Jurors and Juries

Electricians who contract out to perform a specific job are full-time employees within the meaning of Title 30, Section 7(1), Code of Alabama 1940, as amended, requiring employers to reimburse all full-time employees for time spent on jury duty.

Opinion by Assistant Attorney General Kendrick

Dear Senator Vacca:

I am writing in response to your letter of October 31, 1974 requesting an opinion from this office as to whether electrical workers who

contract out to an employer to complete a specific job of indefinite duration is a "full-time employee" within the meaning of Title 30, Section 7(1), Code of Alabama 1940, as amended.

For clarification, this Section is set out in full below:

"Employee serving as juror entitled to usual compensation less juror's fee. —Upon receiving a summons to report for jury duty, any employee shall on the next day he is engaged in his employment exhibit the summons to his immediate superior and the employee shall thereupon be excused from his employment for the day or days required of him in serving as a juror in any court created by the constitutions of the United States or the state of Alabama. Notwithstanding the excused absence as herein provided, any full-time employee shall be entitled to his usual compensation received from such employment less the fee or compensation he received for serving as such juror. It shall be the duty of all persons paying jurors their fee or compensation for services to issue to each juror a statement showing the daily fee or compensation and the total fee or compensation received by the juror.

It is the opinion of this office that electrical workers are full-time employees within the meaning of the above-cited statute. Since apparently all electrical workers are hired on a job contract basis, any other construction could deny the benefits of the statute to a sizeable segment of the working public. This would substantially reduce the effectiveness of the statute and would constitute a denial of equal protection of the law.

Sincerely,

WILLIAM J. BAXLEY
Attorney General

February 7, 1975

Honorable James Record
Chairman

Madison County Commission
Madison County Courthouse
Huntsville, Alabama 35801

Counties—Madison County.

Departments in county government may accept credit cards in lieu of cash provided a fee is not paid to the credit card company.

Opinion by Assistant Attorney General Lawley.

Dear Sir:

This letter is in response to your letter of recent date which is as follows:

"The Madison County Commission is always on the lookout for any way to better service the public, and we would like an opinion from you as to whether the various departments in County Government can accept credit cards in lieu of cash for the various transactions conducted in the courthouse. Naturally, your opinion should advise us whether we could pay the service charges to the various credit card companies, although it might be possible—and we would try—to get the credit card companies to not add on a service charge. In fact, I doubt if we would attempt to use credit cards even if they be legal, if it would cost the taxpayers who would not use cards.

"In the event your opinion is affirmative, please advise what the status would be in the case of forged cards acceptance."

It is my opinion that the governmental offices of Madison County may accept credit cards in lieu of cash for the various transactions conducted in the courthouse provided that no service charge is paid to the various credit card companies. I base this conclusion on the fact that there is no legal authority by which a county agency may use public funds to pay a service charge or percentage discount fee as is required of commercial establishments which honor credit cards.

As to your question on the county's status in the case of accepting a forged credit card, I refer you to Title 14, Chapter 30A, Code of Alabama 1940, Recompiled 1958, 1973 Cumulative Supplement, which deals with offenses relating to credit cards. I am sure that your county attorney will advise you as to the proper course of action should any offense occur relating to a forged credit card.

If this office can be of any further assistance to you in this matter, please let us know.

Very truly yours,

WILLIAM J. BAXLEY
Attorney General

February 7, 1975

Honorable Thomas Reuben Bell
Counsel

Sylacauga Hospital Board
223 North Norton Avenue
Sylacauga, Alabama 35150

Hospitals — Insurance — Competitive Bids.

Purchase of insurance not subject to competitive bids.
A hospital board may not purchase insurance from a board member.

Opinion by Assistant Attorney General Lawley.

Dear Sir:

This letter is in response to your letter of recent date which asks several questions pertaining to the Sylacauga Hospital Board which was created by the City of Sylacauga and became a body corporate under an ordinance passed on August 7, 1958. Your first question asks whether the Sylacauga Hospital Board must take competitive bids in the purchase of insurance. Your question is answered in the negative.

Title 55, Section 507, Code of Alabama 1940, Recompiled 1958, 1973 Cumulative Supplement, exempts the purchase of insurance by municipal agencies such as your hospital board from competitive bids.

Your second question asks whether the Sylacauga Hospital Board may purchase insurance from an insurance agent who is also a member of the Sylacauga Hospital Board. Your question is answered in the negative.

Title 41, Section 221(2), Code of Alabama 1940, Recompiled 1958, prohibits any public official from being beneficially interested, directly or indirectly, in any contract, sale, lease, or purchase made through or under said official's supervision in whole or in part. Therefore, it is my opinion that a member of the Sylacauga Hospital Board, who is a public official, would be prohibited by the provisions of Title 41, Section 221(2), *supra*, from selling insurance to the board of which he is a member.

Your third question asks whether the Sylacauga Hospital Board may purchase insurance from an agent who is a member of the Sylacauga City Council. The material which you enclosed with your letter reveals that the ordinance of the City of Sylacauga which created the Sylacauga Hospital Board provided that vacancies on the hospital board shall be filled by the city council as they occur. Although I know of no statute which would prohibit the purchase of insurance by the hospital board from a member of the city council, it does appear that there could possibly be a conflict of interest and I would suggest that you contact the State Ethics Commission for a definitive determination of this matter.

Your fourth and fifth questions ask whether any of the previous answers would be affected if the insurance agencies were incorporated. This office ruled in an opinion dated February 25, 1969 to Honorable Ben Reeves, Judge of Probate, Pike County, that a public official may contract with a corporation in which he has an interest except when the corporation is a "family held corporation" and the official is a member of the family, or when the official is a majority stockholder in the corporation.

Your sixth question asks whether any of the previous answers would be affected if the insurance contracts were awarded pursuant to competitive bids. Your question is answered in the negative.

Your seventh question asks whether any of the previous answers would be affected if the insurance agent who is a member of the

Sylacauga Hospital Board did not actually vote on the award of the insurance contract to his agency. Your question is answered in the negative. In view of the provisions of Title 41, Section 221(2), supra, it is my opinion that the conflict of interest would not be diminished by the fact that he did not vote in the award of the contract in question.

All of the answers in this opinion are based on law other than the State Ethics Law. Since only the State Ethics Commission can render opinions concerning the ethics law, I would suggest that you contact them for a ruling as to whether any of the above-described situations might conflict with that statute.

If I can be of any further assistance in this matter, please let me know.

Very truly yours,

WILLIAM J. BAXLEY
Attorney General

February 10, 1975

Honorable G. W. (Red) Leach, Jr.
Chairman

The Water Works and Sewer Board
City of Gadsden
Gadsden, Alabama 35901

Municipalities — Competitive Bids.

A municipal water works and sewer board must award contracts exceeding \$500.00 pursuant to competitive bids.

Opinion by Assistant Attorney General Don E. Lawley

Dear Sir:

This letter is in response to your letter of recent date which asks whether the Gadsden Water Works and Sewer Board is subject to the competitive bid law. Your question is answered in the affirmative.

Title 55, Section 506, Code of Alabama 1940, Recompiled 1958, 1973 Cumulative Supplement, states in pertinent part:

"All expenditure of funds of whatever nature for labor, services, or work, or for the purchase or lease of materials, equipment, supplies, or other personal property, involving five hundred dollars (\$500.00) or more, made by or on behalf of . . . the governing boards of instrumentalities of counties and municipalities, including waterworks boards, sewer boards, gas boards, and other like utility boards and commissions, except as hereinafter provided, shall be made under contractual agreement entered into by free and open competitive bidding, on sealed bids, to the lowest responsible bidder; . . ."

Title 55, Section 507, Code of Alabama 1940, Recompiled 1958, 1973 Cumulative Supplement, specifies the type of contracts for which competitive bidding is not required. Although a 1967 Act amended the competitive bid law to exempt waterworks and sewer systems owned by municipalities or counties or agencies, departments or instrumentalities thereof, a 1969 Act eliminated this provision. Therefore, since there is no longer any exemption from competitive bids in Title 55, Section 507, supra, for municipal waterworks and sewer boards, it is my opinion that the Gadsden Water Works and Sewer Board must award contracts in excess of \$500.00 pursuant to the competitive bid law.

If this office can be of any further assistance in this matter, please let us know.

Very truly yours,

WILLIAM J. BAXLEY
Attorney General

February 21, 1975

Honorable James T. Beeland
Judge of Probate and Ex-Officio Chairman
Butler County Commission
Box 6
Greenville, Alabama
Taxation — Counties

The gross receipts tax on utilities levied by Act No. 1412, 1971 Session of the Legislature is not a consumer tax and cannot be collected as a tax from the counties. The economic burden of part of the tax can be passed on to consumers, including counties and other governmental agencies.

Opinion by Assistant Attorney General Bowden.

Dear Judge Beeland:

Your request for an opinion dated February 14, 1975, is as follows:

"Please advise me if counties are subject to pay the license tax on electric or hydroelectric public utilities as per Act No. 1412, of the 1971 Legislature found in Volume 3, page 2406. This Act amends Title 51, Section 178, Code of Alabama 1940, as amended."

Title 51, Section 178, Code of Alabama 1940, Recompiled 1958 (1973 Cumulative Pocket Part) levies a gross receipts tax on utilities. The tax provided for in this section is placed directly on the utility companies. Nowhere in the statute are there any provisions for the payment of the tax by the consumers of the products of the utility companies. Since the tax imposed by the above cited statute is not a

consumer tax, it cannot be collected from the consumer as a tax. However, the utilities can pass the economic burden of the tax on to the consumer, even where the consumer is a governmental agency. **Alabama v. King and Boozer**, 314 U.S. 1, 62 S. Ct. 43.

The method by which the utility companies choose to pass this tax on to the consumer is up to them. For instance, they may show on the bill sent to their customers an item separate from the principal amount owed which they may designate as a "tax". But the fact that they label this item a tax does not make it a tax. The utility is simply passing part of the economic burden of the tax on to the consumer by raising the price of the product. A statement by the Supreme Court of Alabama in the case of **Pure Oil Co. v. State**, 244 Ala. 258, 12 So. 861, 148 A.L.R. 260 helps explain this:

"In essence appellant seeks deductions for other items of taxation levied against him and paid by him. None of these items are levied against the purchaser. He is not the taxpayer. Appellant could not collect a tax from him, as such. They are unlike our sales tax upon retailers. True, the economic burden of the tax is generally passed on to the purchaser, and finally to the consumer. We make no criticism of making invoices disclose the tax burdens of the seller, rendering the public tax-conscious, maybe reacting on legislative bodies when framing tax laws but in fact and in law these other tax items are legal obligations of appellant, constituting, in economic sense, part of the overhead of the seller's business, as does the tax here sued for. Invoices or bookkeeping cannot change the fact that the purchaser is paying the sales price fixed by the seller, nothing more or less. They cannot stipulate the purchaser into the position of a taxpayer and the seller into the position of a tax collector. The tax is payable to the State only, and by the seller."

In view of the above, it is my opinion that consumers, including counties, are subject to the tax levied by Section 178 in the sense that the utility companies can bill them for an amount equal to the tax. For a further discussion of the principles involved herein, see Quarterly Report of the Attorney General, Volume 144, page 25.

Yours very truly,

WILLIAM J. BAXLEY
Attorney General

March 13, 1975

Honorable James C. Stivender
Lusk, Swann, Burns & Stivender
Attorneys at Law
Suite 203, State National Bank Building
P. O. Box 346
Gadsden, Alabama 35902

Youthful Offenders —

The Youthful Offender Act does not apply in Municipal Courts.

Opinion by Assistant Attorney General
Bernard F. Sykes

Dear Judge Stivender:

We are in receipt of your letter of recent date which is as follows:

"I have a copy of the Youthful Offender Act, together with a copy of your memo to Circuit Judges and District Attorneys dated February 12, 1974, relative to said Act.

"I am Judge of the Municipal Court of the City of Gadsden, Alabama, and would appreciate being advised whether or not, in your opinion, Municipal Judges are under the same requirement as Circuit Judges, in the State of Alabama, as stated in your opinion letter above referred to.

"As you well know, we do not have a probationary officer, and if same was used, the State Probationary Officer would no doubt have the responsibility for investigation."

I apologize for not having replied sooner.

As Judge of the Municipal Court of the City of Gadsden you have inquired whether your duties are the same as circuit judges in Youthful Offender cases in accordance with a memorandum of this office dated February 12, 1974.

In my opinion, municipal courts are not intended to be affected by the Youthful Offender Act, Act No. 335, Acts 1971, p. 4622; Title 15, Section 266(1) et. seq, and the memorandum of this office dated February 12, 1974 would not be applicable to municipal judges.

Our memorandum outlined what appears to be required of circuit judges in Youthful Offender cases, according to the Supreme Court decision in *Ex parte Morgan*, 291 Ala. 764, 287 So. 2d 914 (December 13, 1973). They must inform defendants who appear to have been under 21 at the time of the offense of the existence of the Youthful Offender Act and refer the matter to the probation officer for an investigation and report.

Since the charge in the municipal court and the sanctions allowed to be imposed by the Youthful Offender Act are inconsistent with municipal court powers and procedure, it is my view that it was not intended that the Youthful Offender Act apply to municipal courts.

The Youthful Offender Act provides in Section 1, in part:

"If the defendant consents and the court so decides, no further action shall be taken on the indictment or information unless otherwise ordered by the court as herein provided."

The municipal court does not have defendants before it charged by indictment or information. The above-quoted statute allowing Youthful Offender benefits is dealing only with offenders indicted or charged by information (perhaps meaning a district attorney's complaint). This occurs only at the circuit court level and not in municipal court.

Further, Section 4 of the Act directs that in Youthful Offender cases, if the underlying charge is a felony, the court may place defendant on probation for not to exceed three years, or commit defendant to the custody of the director of the Department of Corrections for not to exceed three years. The municipal court has no powers to try a felony nor grant probation. Title 42, Section 20, Code of Alabama, Recompiled 1958.

Such inconsistencies indicate to me that the Act was not intended to apply in municipal court.

Very truly yours,

WILLIAM J. BAXLEY
Attorney General

March 13, 1975

Charles Y. Cameron, Esq.
Court Administrator
Department of Court Management
513 Madison Avenue
Montgomery, Alabama 36104

Judges and Teachers.

A Circuit Judge may teach part time for compensation at a State institution of higher learning.

Opinion by Assistant Attorney General Stephens.

Dear Mr. Cameron:

In your recent letter to me you set forth the following factual situation and made the following request for an opinion:

"A circuit judge currently receiving compensation from the State of Alabama in the amount of \$25,000 per annum has assumed teaching responsibilities on a part-time basis with a state institution of higher learning, the University of Alabama. The University of Alabama has indicated its ability and willingness to compensate the circuit judge in an amount commensurate with the involved responsibilities. Does there exist any prohibition which would bar the involved circuit judge from receiving compensation from the State of Alabama as a circuit judge and, at the same time, compensation from the University of Alabama as a part-time professor?"

My search of the laws of this State has failed to find any prohibition which would bar a Circuit Judge from receiving compensation from the State of Alabama as a Circuit Judge and, at the same time, compensation from the University of Alabama as a part-time professor. The Alabama State Ethics Commission, in Advisory Opinion No. 27, has held that: "Nothing in the Ethics Act would prohibit a State official or employee from accepting a part-time teaching position [with a State institution of higher learning]." Additionally, Section 6.08 of the new Judicial Article concerning activities prohibited of judges of this State does not prohibit a Circuit Judge from teaching and, in fact, Cannon 4 of the proposed Code of Judicial Ethics seems to specifically recognize and encourage teaching by judges. Furthermore, Section 280 of the Constitution of the State of Alabama which prohibits a person from holding two "offices of profit" in this State is not applicable here.

Sincerely,

WILLIAM J. BAXLEY
Attorney General

March 17, 1975

Honorable James E. Witherington

Tax Assessor

Monroe County

Monroeville, Alabama, 36460

Tax Assessors — Deeds

Purchaser in possession of land under "Contract for Deed" liable for ad valorem taxes on said land under facts stated. Real Property cannot be assessed to the original owner who is deceased prior to the assessment nor can the assessment be made to the estate of the deceased owner.

Opinion by Assistant Attorney General Payne.

Dear Sir:

This will acknowledge your letter of March 13, 1975 relative to "Contract for Deed" involving certain individuals in connection with the payment of ad valorem taxes on the particular land involved in any given deed. In substance, you state that a land owner sells a parcel of land to a person and does not give a bona fide deed but only a paper stating that "this is a contract for a deed". The land owner making the sale has title to the land until the individual making the purchase has paid for the land in full. Upon payment in full the individual receives a deed from the land owner. The paper or "Contract for Deed", brought to your office with the legal description of the property stipulates that the person contracting for the land "must be responsible for all taxes on the property." You ask, "does this give us the proper authority to assess the property which the person entering into the contract for the land in question brings into our office?"

You further state "Also we would like to have an opinion on the following. A land owner dies. He does not have any children nor does he have a survivorship deed or a will. Can we assess his property to the widow or do we leave it in the original name and show it in care of the widow?"

You advise me that the individuals possessing "Contracts for Deed" are in possession of the particular lands in question. The legal effect of the "Contract for Deed", the purchasers being in possession, is that it creates between the parties an executory contract of purchase. In the case of **Crow v. Outlaw**, 225 Ala. 656, 145 So. 133, the complainant there claimed exemption from ad valorem taxes on realty being purchased from the City of Mobile by complainant. His theory was that the City of Mobile had not conveyed the legal title to him and since the title remained in the City he was exempt from ad valorem taxes. In overruling complainant's claim to exemption the Court stated:

"But in **State v. White Furniture Co.**, 206 Ala. 575, 90 So. 896, the court said: "It is well settled that when the vendee of real property is in possession under an executory contract of sale, **he is liable to be taxed as the owner.**" (Emphasis Added)

In view of the law on the subject your question as to whether the "Contract for Deed" is sufficient for assessment purposes is answered in the affirmative. Under the circumstances set out in your letter, you would have the authority to assess the property of the person entering into the contract for the sale of the lands involved.

As to your second question you cannot legally assess the property in the name of the deceased owner of the land nor can you assess the land to the estate of the deceased. Any sale of the land under such an assessment or assessments would be void and would convey no title whatsoever. The Court in **McGowin v. Felts**, 263 Ala. 504, 83 So. 2d 228, put it this way:

"The Tax Assessor cannot assess lands for taxation as the property of a deceased owner, or of his estate, and a sale by the Probate Court for unpaid taxes based on such an assessment is void, a mere nullity, and the purchaser at such sale acquires no title."

Under the facts stated in your second question it would be in order for the assessment to be made to the widow herself and not "in care of the widow."

Very truly yours,

WILLIAM J. BAXLEY
Attorney General

March 27, 1975

Honorable John L. Moore
Judge of Probate

Mobile County Courthouse
Mobile, Alabama 36601

Filing Tax — Mortgage Tax — Judges of Probate

An agreement not to encumber or transfer real property which does not convey any real estate, personal property or interest therein does not fall within the purview of Title 51, Section 619, as amended, Code of Alabama, Recompiled 1958.

Opinion by Assistant Attorney General Loeb.

Dear Judge Moore:

Reference is made to your letter of March 17, 1975, in which you asked for an opinion from this office as follows:

“Should there be collected a mortgage tax on an instrument entitled ‘Assignment of Rents, Agreement not to Sell or Encumber Real Property and Agreement to Mortgage Real Property.’ (copy of this instrument attached hereto).”

The instrument in question, a copy of which was attached to your request, stated that it was entered into in consideration and as security for a loan made or credit extended by the First National Bank of Mobile for the improvement of real estate, a description of which was contained in the agreement. The instrument further stated that the loan is evidenced by a Promissory Note in favor of the First National Bank of Mobile for a stated amount of money. The borrowers, James N. and Mary Elizabeth Langston, agree that they will not create or permit any lien or encumbrance, other than those presently existing, to exist on the described real property, and will not transfer, sell, assign or in any manner dispose of said property or any interest therein without the prior written consent of the bank. The agreement further states that it is expressly intended for the protection of the Bank and all subsequent holders of the note described in the agreement. It further provides that if the bank demands that this debt should be secured, the borrowers will agree to execute and deliver a mortgage on the real estate in question.

It seems clear from the statements in the paragraph above that this agreement in and of itself does not convey real property, personal property or any interest therein from the borrowers to the Bank nor does it at the present time create any lien or encumbrance upon this property. On the contrary, it binds the borrowers not to convey the property described therein nor in any other way create any lien or encumbrance on such property.

This being true, it is my opinion that the instrument does not fall within the purview of Title 51, Section 619, as amended, Code of Alabama, Recompiled 1958.

It should be noted that any deviation from the format followed in this instrument which would result in a lien, encumbrance or transfer

of any kind being created or accomplished by the instrument under consideration would cause such instrument to become subject to tax.

Yours very truly,

WILLIAM J. BAXLEY
Attorney General

March 31, 1975

Honorable Ed. W. Harwell
Circuit Judge
Seventh Judicial Circuit
Calhoun County Courthouse
Anniston, Alabama 36201

Prisons and Prisoners — Courts.

Provisions of Act No. 58, Second Special Session, General Acts 1975, approved March 10, 1975, allowing credit for time spent incarcerated pending trial is not retroactive.

Opinion by Assistant Attorney General Newman

Dear Sir:

Your letter requesting an official opinion of this office bearing date of March 24, 1975, reads as follows:

"Find enclosed copy of a letter I received from a State prisoner seeking credit for jail time prior to trial."

"Please advise me if Act No. 58, approved March 10, 1975, covers this situation."

Without a verbatim rendition of this state prisoner's letter, what in all actuality is being requested is an opinion as to whether or not Act No. 58, Second Special Session, Alabama State Legislature, approved March 10, 1975, is retroactive so as to include under its provisions those persons convicted of a crime prior to March 10, 1975.

Act No. 58, Second Special Session, Alabama State Legislature, approved March 10, 1975, reads as follows:

Enrolled, An Act, to provide credit toward a sentence for time spent incarcerated pending trial; further to provide credit toward a sentence for time spent incarcerated by an escapee who is recaptured and returned to custody prior to transfer to the Board of Corrections penal system.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Upon conviction and imprisonment for any felony or misdemeanor, the sentencing court shall order that the convicted person be credited with all of his actual time spent incarcerated pending trial for such offense. The actual time

spent incarcerated pending trial shall be certified by the circuit clerk, on forms to be prescribed by the Board of Corrections. **Section 2.** An escapee from a state penal institution who is recaptured and returned to custody shall be credited with all of his actual time spent incarcerated within the State of Alabama prior to his transfer and return to the custody of Board of Corrections (penal system). The actual time spent incarcerated pending return to custody of the Board or Corrections (penal system) shall be certified by the sheriff on forms to be prescribed by the Board of Corrections. **Section 3.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part that remains. **Section 4.** All laws or parts of laws which conflict with this act are repealed. **Section 5.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

My personal opinion is that the provisions of this Act should be available to all convicted persons in Alabama, but I am bound by the wording of the statute as enacted by the Legislature.

A careful reading of the foregoing Act will disclose that there is no retroactive clause or intent included, thereby, rendering the provisions of the Act effective only to those persons convicted on or after March 10, 1975.

It is, therefore, the opinion of this office that persons convicted prior to March 10, 1975, are not entitled, under the provisions of this Act, to credit for time spent incarcerated pending trial.

Sincerely,

WILLIAM J. BAXLEY
Attorney General

INFORMAL OPINIONS

During the period January 1, 1975 through March 31, 1975, the Attorney General rendered the following informal opinions.

Subject	Addressee	Date	File No.
— A —			
ABC ACT			
Beer—Billiard Parlors	Charles H. Younger	Feb. 21	151
Private Club Liquor License—Huntsville	James S. Wall, Jr.	Jan. 3	93
Beer Truck—Dry County	Clatus Junkin	Jan. 28	120
AD VALOREM			
Act 1000 Exemption—Testamentary Life Estate	P. Richard Hartley	Jan. 10	85
Junior Achievement, Inc.—Ad Valorem Exemption	Henry Rand	Feb. 12	107
Eleemosynary Property—Ad Valorem Exemption	Sara R. McMullen	Mar. 26	195
AIR POLLUTION COMMISSION			
Air Pollution Law—Local Programs Cannot Grant Variances	James W. Cooper	Feb. 26	Air Pollution Control Comm.
ALABAMA HISTORICAL COMMISSION			
Appropriation—Interagency Transfer	W. Warner Floyd	Feb. 5	Historical Comm.
ALABAMA SPORTS HALL OF FAME			
Sports Hall of Fame—Tax Exemption	Jess Lanier	Feb. 27	106

Subject	Addressee	Date	File No.
ALCOHOLIC BEVERAGES			
Sports Hall of Fame—Tax Exemption	Jess Lanier	Feb. 27	106
Beer Transported—Within County	David E. Worley	Feb. 21	160
ARCHIVES DEPT.			
Archives Dept.—Payment to Vendors	Milo B. Howard, Jr.	Jan. 8	Archives &
ARRESTS			
Arrests—Computer Search Information	B. J. Hoots	Jan. 13	History Dept. Public Safety
ATHENS COLLEGE			
State Board of Education—Athens College	LeRoy Brown	Mar. 10	Dept. Education Dept.
ATTORNEY'S			
County Officer—Attorney's Fee	A. A. Middleton	Jan. 10	79
Assistant Public Defender—Only One	Ralph C. Burroughs	Jan. 6	100
May Be Appointed			
Legislature—Interim	Alvin A. Holmes	Feb. 25	105
Committees—Attorneys			
Attorney Fees—Mini-Code	Lehman J. Lewis	Mar. 26	Banking Dept.
BALDWIN COUNTY			
Constables—Baldwin Co.—Precincts Reduced	Thomas H. Benton	Mar. 27	163
BANKING DEPARTMENT			
Bank Charter Granted—Cannot Be Appealed	M. Douglas Mims	Feb. 20	Banking Dept.
Attorney Fees—Mini-Code	Lehman J. Lewis	Mar. 26	Banking Dept.

— B —

Subject	Addressee	Date	File No.
BANKS & BANKING			
Branch Bank—Talladega County	Tom R. Ogletree	Jan. 29	88
Bank Charter Granted—Cannot Be Appealed	M. Douglas Mims	Feb. 20	Banking Dept.
BEER			
Beer Truck—Dry County	Clatus Junkin	Jan. 28	120
Beer Tax—Levied on Each Container	Sammie Daniels	Mar. 27	73
BIBB COUNTY			
County Population Reclassification — Federal Census	W. T. Vandeford	Mar. 14	164
BILLIARD ROOMS			
Beer—Billiard Parlors	Charles H. Younger	Feb. 21	151
BOARD OF BARBER EXAMINERS			
Rule Violation Hearings—Violator's County	Lawson D. Dickinson	Feb. 4	Board of Barber Examiners
BOARD OF CORRECTIONS			
Parole Board—Inmates Not in State's Custody	L. B. Sullivan	Feb. 5	Board of Corrections
County Convicts—Removal to State Penitentiary	Tom Gloor	Mar. 31	188
BOARD OF EDUCATION			
Supplemental Pay—By County Board	Stanley E. Munsey	Jan. 9	84
Auxiliary School Funds—Principal's Professional Dues—Travel Allowance	Roy Johnson	Jan. 22	86
School Boards—Campaign Spending	V. M. Burkett	Jan. 24	116

Subject	Addressee	Date	File No.
Board of Education Property—Lease to County	Byrd R. Latham	Feb. 25	124
City Funds—County School	R. A. Carpenter	Feb. 14	142
Compulsory Teacher Retirement—Age 70	Jimmie C. Lott	Mar. 25	173
Schools Funds—Not Used for Rewards	Joseph B. Morton	Mar. 25	174
Fire Marshal—Controls School Doors	Jerome Tucker	Mar. 19	182
Teacher Absence—Sick Leave—Injury Claim	Harry D. Hagler	Mar. 31	187
BOARD OF MEDICAL EXAMINERS			
Regulations—Acupuncture Treatment	Robert Parker	Mar. 7	Bd. of Medical Examiners
BONDS			
Appeal Bond—Circuit Court—Forfeiture	A. Frank Pittman	Jan. 17	133
BUILDINGS			
City Building—Lease for Post Office	Paul Yeager	Jan. 24	145
— C —			
CHAMBERS OF COMMERCE			
Chamber of Commerce—Contract with City	Russell Bolding	Jan. 16	98
Municipal Funds—Industrial Development	B. A. Adams, Jr.	Feb. 21	156
CIRCUIT COURT CLERKS			
Lee County—Court Clerk's Fees	Hal Smith	Mar. 7	157
CIVIL DEFENSE			
Travel Expenses—Civil Defense Director	Thornton Fleming	Mar. 20	146
COLBERT COUNTY			
County Judge—Salary Increase	David W. Pruett	Jan. 14	25

Subject	Addressee	Date	File No.
Colbert County Judge—Salary Increase	Bruce Gargis	Feb. 5	108
Hospital Authorities—Photos of Victims of Crimes	Jack Huddleston	Feb. 3	118
Colbert County—Plumbers License	Gary S. Roberts	Feb. 27	131
COLLEGES & UNIVERSITIES			
Liability Insurance—University of Montevallo Vehicles	Kernit A. Johnson	Jan. 21	83
Bid Negotiations—Construction—Gadsden State Jr. College	James R. Solomon	Mar. 28	Finance Dept.
Construction Contract—Livingston University—Arbitration Prohibited	Asa N. Green	Feb. 14	171
COMMISSION ON AGING			
Commission on Aging—Escalation Clause—Food Services	Emmett W. Eaton	Feb. 5	Comm. on Aging
COMPETITIVE BID LAW			
Archives Department—Payment to Vendors	Milo B. Howard, Jr.	Jan. 8	Archives & History
City Gas System Contract—Competitive Bid Law	J. W. Pienezza	Feb. 14	123
COMPTROLLER			
Archives Dept.—Payment to Vendors	Milo B. Howard, Jr.	Jan. 8	Archives & History
Legislative Interim—Committees Compensation	Fred Zeigler	Feb. 6	Comptroller's Office
State Employees—Travel Expenses	L. M. Sims	Feb. 18	112

Subject	Addressee	Date	File No.
COMPUTER SYSTEMS			
County Computer Information—Public Record	W. Cooper Green	Jan. 8	90
CONECUH COUNTY			
Sheriff May Fire Deputies—Conecuh County	J. B. Nix, Jr.	Jan. 27	87
CONFLICTS OF INTEREST			
City Street Superintendent—Dirt Hauling—Private Business	Oris E. Davis	Feb. 20	115
Utility Board Funds—Depository Bank—Board Member Officer	Bettye Frink	Mar. 19	Auditor's Office
City Councilman—No Business with City	Leslie Gilliam	Feb. 21	153
CONSERVATION DEPARTMENT			
Appropriation—Interagency Transfer	W. Warner Floyd	Feb. 5	Historical Comm.
Land Conveyance—Governor's Approval	Claude D. Kelley	Jan. 9	Conservation Dept.
Air Conditioning Replacement—Major Repair	Claude D. Kelley	Feb. 5	Conservation Dept.
CONSTABLES			
Constables—Baldwin County—Precincts Reduced	Thomas H. Benton	Mar. 27	163
CONSTITUTIONALITY			
Chambers County Officers—Salary Increase	James A. Avary	Mar. 14	34

Subject	Addressee	Date	File No.
CONSUMER CREDIT ACT			
Attorney Fees—Mini-Code	Lehman J. Lewis	Mar. 26	Banking Dept.
CONTRACTORS			
Coronary Care Equipment—Installation Not General Contractor	W. S. Pipas	Feb. 27	128
CONTRACTS			
Commission on Aging—Escalation Clause— Food Service	Emmett W. Eaton	Feb. 5	Comm. on Aging
Bid Negotiation—Construction—Gadsden State Jr. College	James R. Solomon	Mar. 28	Finance Dept.
Construction Contract—Livingston Uni- versity—Arbitration Prohibited	Asa N. Green	Feb. 14	171
Water Works—Reimbursement—Contract Termination	Clarence F. Rhea	Mar. 27	172
CORONERS			
City Councilman—Coroner	Moran Baxter	Feb. 21	180
COUNTIES			
County Officer—Attorney's Fee	A. A. Middleton	Jan. 10	79
County Computer Information—Public Record	W. Cooper Green	Jan. 8	90
County Funds—City Industrial Development Boards	J. H. Faulkner	Jan. 15	97
County Funds—East Central Alabama Mental Health Board	Fred D. Gray	Mar. 6	117
County Commissioner—No Other Public Office	Charles R. Adair, Jr.	Jan. 27	121

Subject	Addressee	Date	File No.
County Commission—Purchase Order System	Thomas J. Reed	Feb. 6	129
County Commission—Purchase Order System	R. Jerry Green	Feb. 6	130
County Not Liable—Tortious Acts of Employees	T. K. Selman	Jan. 28	139
County Park—Convey to City	Maury Friedlander	Jan. 24	21
Library Board—Auto Purchase	Charles D. Baker	Feb. 20	41
Prisoner Medical Care	Bernal Brock	Mar. 26	179
County Funds—Support of Juvenile Center	Al Shumaker	Mar. 27	189
County Funds to City—Promote Industry	Hobson Manasco, Jr.	Mar. 27	191
County Highway & Traffic Fund—	J. Gorman Houston	Mar. 24	92
Sheriff's Office Salary			

COURTS

County Judge—Salary Increase	David W. Pruett	Jan. 14	25
Probate Court Order on Legal Holiday	Bryan McAfee	Feb. 3	96
Assistant Public Defender—Only One May Be Appointed	Ralph C. Burroughs	Jan. 6	100
Chancery Court Register—Fees to County	W. G. Hawkins	Jan. 13	102
County Solicitor Absent—Pay of Appointed Attorneys	F. D. Gray	Jan. 30	117
Appeal Bond—Circuit Court Forfeiture	A. Frank Pittman	Jan. 17	133
Juvenile Court Records—Pre-Sentence Investigations	Fred B. Simpson	Mar. 13	110
Lee County—Court Clerk's Fees	Hal Smith	Mar. 7	157

Subject	Addressee	Date	File No.
— D —			
DALE COUNTY			
Sheriff's Salary—Dale County	B. F. Williams	Mar. 19	170
DISTRICT ATTORNEYS			
Montgomery Co. District Attorney—Chief Clerk/Special Officer	W. Mark Anderson	Jan. 15	43
Solicitor's Fund—Clerical Personnel Paid	Robert M. Field	Jan. 31	61
District Attorney—Salary Supplement—31st Circuit	Bruce Gargis	Feb. 24	108
Juvenile Court Records—Pre-Sentence Investigations	Fred B. Simpson	Mar. 13	110
Attorney Fees—Slander Suit—District Attorney	Earl C. Morgan	Mar. 24	185
DRUGS			
Drug Purchase—Sheriff's Fund	Felton Yates	Feb. 14	127
DUAL OFFICE HOLDING			
Montgomery County District Attorney's—Chief Clerk/Special Officer	W. Mark Anderson	Jan. 15	43
County Commissioner—No Other Public Office	Charles R. Adair, Jr.	Jan. 27	121
City Councilman—Coroner	Moran Baxter	Feb. 21	180
Dual Officeholding—Deputy Recorder/City Clerk	David M. Enslin	Mar. 21	194

Subject	Addressee	Date	File No.
— E —			
EDUCATION DEPARTMENT			
No Four-Day Week—Schools	LeRoy Brown	Jan. 28	Education Dept.
State Board of Education—Athens College	LeRoy Brown	Mar. 10	Education Dept.
EMPLOYERS & EMPLOYEES			
City Street Superintendent—Dirt Hauling—			
Private Business	Oris E. Davis	Feb. 20	115
Fairfield Employees—Merit Increases Due	James H. Sims	Mar. 18	59
ETHICS COMMISSION			
Ethics Commission Member—Political	Connie L. Entrekinn	Jan. 28	Ethics Comm.
Party Activity			
EXAMINERS OF PUBLIC ACCOUNTS			
County Hospitals—Employee Uniforms	Hiller Dickerson	Jan. 16	114
Travel Expenses—Civil Defense Director	Thornton Fleming	Mar. 20	146
EXPENSES			
Auxiliary School Funds—Principal's	Roy Johnson	Jan. 22	86
Professional Dues—Travel Allowance			
Revenue Department—Out-of-State Audit	Charles A. Boswell	Feb. 3	Revenue Dept.
Expenses			
State Employees—Travel Expenses	L. M. Sims	Feb. 18	112
Out of State Travel Expenses	Ray D. Bass	Feb. 20	Highway Dept.
Travel Expenses—Civil Defense Director	Thornton Fleming	Mar. 20	146
"Live-In-a-Landmark" Council—No	W. Warner Floyd	Mar. 5	Historical Comm.
Expense Accounts			

Subject	Addressee — F —	Date	File No.
FARMERS MARKET AUTHORITY			
Grain Elevator—Low Bid Negotiation	Wm. M. Arrington	Mar. 7	Farmers Market Authority
Chancery Court Register—Fees to County	W. G. Hawkins	Jan. 13	102
FINANCE DEPARTMENT			
Appropriation —Interagency Transfer	W. Warner Floyd	Feb. 5	Historical Comm. Finance Dept.
Bid Negotiation—Construction—Gadsden State Jr. College	James R. Solomon	Mar. 28	
FINES			
Fines & Costs—City Ordinance—Money of Surety	H. G. Jordan	Mar. 31	67
FIREARMS			
Pistol Permit—One Per Firearm	Beasor B. Walker	Feb. 28	149
Pistol Permits—Public Records	Tom Purvis	Mar. 7	178
FIRE MARSHAL			
Fire Marshal—Controls School Doors	Jerome Tucker	Mar. 19	182
FIREMEN			
Volunteer Fireman/Policeman—Death Benefit	Wm. H. McDermott	Feb. 26	65
FUNDS			
13th Judicial Circuit—Travel Expenses of Judges	Joseph M. Hocklander	Feb. 18	104
School Boards—Campaign Spending	V. M. Burkett	Jan. 24	116

Subject	Addressee	Date	File No.
City Funds—Medical Clinic Board	Wm. C. Gullahorn, Jr.	Feb. 21	126
City Funds—County School	R. A. Carpenter	Feb. 14	142
Public Funds—Weather Service—	W. T. Lockard	Mar. 13	154
Radio Station	Joseph B. Morton	Mar. 25	174
School Funds—Not Used for Rewards	Hobson Manasco, Jr.	Mar. 27	191
County Funds to City—Promote Industry	Charles Tigner	Mar. 24	Historic Chatt.
Historic Chattahoochee Commission—			Comm.
Supervisor Hired			
— G —			
GOVERNOR			
Loans Under PL93-449—Exempt from	Wm. A. Jackson	Mar. 10	Gov's Office
State Restrictions			
— H —			
HEALING ARTS, STATE LICENSING BOARD FOR			
Board of Medical Examiners—	Paul L. Ashurst	Mar. 7	Healing Arts,
Certificate of Qualification			Licensing Board
HIGHER EDUCATION, ALABAMA COMMISSION ON			
All Members Deemed at Large	John F. Porter, Jr.	Jan. 21	Higher Educ.,
			Ala. Comm.
HIGHWAY DEPARTMENT			
Out of State Travel Expenses	Ray D. Bass	Feb. 20	Highway Dept.
HISTORIC CHATTAHOOCHEE COMMISSION			
Historic Chattahoochee Commission—	Charles Tigner	Mar. 24	Historic Chatt.
Supervisor Hired			Comm.,

Subject	Addressee	Date	File No.
HISTORICAL COMMISSION "Live-in-a-Landmark" Council— No Expense Accounts	W. Warner Floyd	Mar. 5	Historical Comm.
HOLIDAYS Probate Court Order on Legal Holidays	Bryan McAfee	Feb. 3	96
HOSPITALS County Hospitals—Employee Uniforms Hospital Authorities—Photos of Victims of Crimes Privilege License—Hospital Cafeteria County Hospitals—Lessor and Utility Taxes City Funds—Medical Clinic Board Coronary Care Equipment—Installation Not General Contractor	Hiller Dickerson Jack Huddleston J. W. Spearman Joseph W. Henry, Sr. Wm. C. Gullahorn, Jr. W. S. Pipas	Jan. 16 Feb. 3 Feb. 13 Mar. 10 Feb. 21 Feb. 27	114 118 119 125 126 128
HUNTSVILLE, CITY OF Private Club Liquor License—Huntsville	James S. Wall, Jr.	Jan. 3	93
— I —			
INDUSTRIAL DEVELOPMENT County Funds to City—Promote Industry	Hobson Manasco, Jr.	Mar. 27	191
INDUSTRIAL DEVELOPMENT BOARDS County Funds—City Industrial Development Boards	J. H. Faulkner	Jan. 15	97

Subject	Addressee	Date	File No.
Industrial Development Boards—Investors in Corporation	Houston Donaldson	Mar. 11	141
Municipal Funds—Industrial Development	B. A. Adams, Jr.	Feb. 21	156
INTOXICATING LIQUORS			
Beer—Billiard Parlors	Charles H. Younger	Feb. 21	151
	— J —		
JEFFERSON COUNTY			
Board on Conventions—Jefferson County	Robert C. Gafford	Jan. 10	16
JUDGES			
County Judge—Salary Increase	David W. Pruett	Jan. 14	25
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